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Sir William Barker, Baronet, - - - - Appellant.

*Thomas Ivers, Esq; Letitia Barker, alias } Respondents.
Egan, and Darby Egan, Esquire - - - }*

The CASE of the Respondents *Letitia Barker, alias
Egan, and of Darby Egan, Esquire.*

SIR *William Barker* (Father of the Appellant, and of the Respondent *Letitia Barker, alias Egan*) Dying about the Month of *May, 1719.* and having first made his Last Will and Testament, did appoint the said Respondent *Letitia Barker* (then a Minor) his sole Executrix.

The Respondent *Ivers*, having in the Life-time of the said *Sir William Barker*, purchased his the said *Sir William's* Estate in the County of *Limerick*, upon the Cant, under a Decree of the High-Court of Chancery of Ireland, in a Cause then depending between the Appellant, and the said *Sir William Barker*, and others; and the Respondent *Ivers*, apprehending himself to be imposed upon in the Sale of the said Estate (for that the said Estate was not of the Yearly Value set forth in the Postings published before the Sale) the said Respondent *Ivers*, on the 20th of *November, 1717.* Filed his Bill in the said Court of Chancery, against the said *Sir William Barker* and the Appellant, to have an Allowance for the same. And sometime afterwards, the said *Sir William* came to some Agreement with the said Respondent *Ivers*, to release and discharge him from paying the Surplus of the Purchase-Money, over and above what was Decreed to be paid thereout, by the Decrees made in the Cause between the Appellant, and the said *Sir William*.

Soon after the Death of the said *Sir William Barker*, the Respondent *Ivers* filed his Bill of Revivor against the Respondent *Letitia Barker*, as Executrix of the said *Sir William*, who being then a Minor, put in her Answer thereunto the 7th of *August, 1719.* by her then Guardian the Respondent *Egan*.

On the 12th of *January, 1719.* the now Appellant filed a Bill against the Respondent *Ivers* only; To which Bill the Respondent *Ivers* put in his Answer the 6th Day of *February* following.

By, 1722. The Cause wherein the Respondent *Ivers* was Plaintiff, the Appellant and Respondent *Letitia Barker* were Defendants, coming on to be heard in *May, 1722.* it was then Ordered and Decreed, That the Residuum of the Purchase-Money which was to have gone to *Sir William Barker*, should be, and was thereby decreed to the Respondent *Ivers*, in full Satisfaction of all Mistakes and Deficiencies in the said Postings.

The Appellant hath appealed unto your Lordships, and to his said Appeal, hath made the Respondent *Letitia Barker, alias Egan*, a Party, although she is no Party in any of the Suits commenced by the Appellants; nor does it appear, as she humbly apprehends, that she is any way interested in the Event of this Cause. And the said Appellant, by his said Appeal, hath also made the Respondent *Darby Egan* a Party, although he is not any way interested in the Event of the Cause, neither did he ever intermeddle in any of the said Proceedings, but as Agent or Attorney for the late *Sir William Barker*; so that the Respondent *Darby Egan* doth apprehend, That the Appellant was under no Necessity of making him a Party; and putting him to the great Expence of Appearing before your Lordships upon this Appeal, other than with a View of the Appellant to oppress him; neither was there any Pretence of making him a Party, as Guardian to the Respondent *Letitia Barker*, for that she hath been married to *John Egan, Gent.* since *December, 1721.* so that the Guardianship of the Respondent *Egan*, over the Respondent *Letitia Barker*, from that Time ceased.

*For which Reasons, these Respondents humbly hope, Your
Lordships will be pleased to dismiss the said Appeal
as to them, with exemplary Costs.*

J. DARNALL.

Sir William Barker, Barr. Appellant.

Thomas Ivers, Esquire,
Letitia Barker, *al Egan*, Respondents.
And Darby Egan, Esq;

The Case of the Respondents, Letitia
Barker, alias Egan, and of Darby
Egan, Esq;

To be Heard at the Bar of the House of
Lords, on Friday the 17th of De-
cember, 1724.